

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 17 2003

CATHY A. CATTERSON
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,)	No. 03-50122
)	
Plaintiff-Appellee,)	D.C. No. CR-03-00190-GT
)	
v.)	MEMORANDUM*
)	
ALBERTO SOTO, aka Alberto)	
Soto-De La Torre,)	
)	
Defendant-Appellant.)	
_____)	

Appeal from the United States District Court
for the Southern District of California
Gordon Thompson, Jr., Senior Judge, Presiding

Submitted November 5, 2003**
Pasadena, California

Before: PREGERSON, FERNANDEZ, and BERZON, Circuit Judges.

Alberto Soto appeals his conviction for making a false claim of United States citizenship. See 18 U.S.C. § 911. We dismiss the appeal.

Soto pled guilty and in his plea agreement he waived his right to appeal.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a)(2).

See United States v. Vences, 169 F.3d 611, 613 (9th Cir. 1999); United States v. Robertson, 52 F.3d 789, 791-92 (9th Cir. 1994). Thus, unless the government breached the plea agreement, we lack jurisdiction to proceed. See United States v. Baramdyka, 95 F.3d 840, 843 (9th Cir. 1996). On this record, we discern no breach by the government. See United States v. Benchimol, 471 U.S. 453, 455-57, 105 S. Ct. 2103, 2104-05, 85 L. Ed. 2d 462 (1985); United States v. Johnson, 187 F.3d 1129, 1135 (9th Cir. 1999).

DISMISSED.